IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.1351 of 2007
DATE OF ORDER: 15.3.2007

Asha Rani etc

...Petitioner(s)

Versus

Nand Lal Bajaj etc

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. S.S. Godara, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 6.3.2007 passed by Additional Civil Judge(Sr.Divn.), Fatehabad whereby request of the defendants-petitioners for amendment in the written statement was declined.

From the perusal of the order, it would come out that the application was not allowed since proposed amendment would have changed the complete stand taken earlier by the defendants in the written statement. It was also found that the defendants' evidence was already complete.

The dispute in this case appears to be between the family members. Suit was for mandatory injunction filed by Nand Lal Bajaj that he was owner of residential plot and defendants were licensee therein and that licence cannot be revoked.

Counsel for the petitioners-defendants states that the defendants shall avail of only one opportunity for evidence after the amendment is allowed.

In the interest of justice, petition is allowed. It is directed that the amendment in the written statement shall be allowed subject to payment of Rs.5000/- as costs subject to all just exceptions and also subject to the effect of the earlier stand taken by the defendants in the original written statement. Only one opportunity shall be given.

March 15, 2007 (M.M. AGGARWAL)
manoj JUDGE